

REMARKS

Applicant respectfully requests reconsideration of the application.

Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,869,819 to Knowles et al. ("Knowles").

Claims 26 and 28-29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,493,457 to Quackenbush et al. ("Quackenbush").

Claims 1, 6-7, 11-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles in view of U.S. Patent Application Publication 2004/0205055 to Overton et al. ("Overton").

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles in view of Overton and further in view of U.S. Patent No. 5,869,819 to Smith et al. ("Smith").

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles in view of Overton, Smith, and further in view of U.S. Patent Publication 2005/0065780 to Wiser et al. ("Wiser").

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles in view of Overton, and Wiser.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush in view of Knowles.

Knowles does not anticipate claims 8-10

First, Knowles does not appear to be prior art, because, as established in response to the last action, claims 8-10 have priority at least as early as May 16, 1996, the filing date of priority patent 5,862,260. The Examiner previously cited the '260 patent as anticipating claims 8-10. Therefore, these claims have priority at least as early as the filing date of the '260 patent.

Second, Knowles does not teach:

"presenting audio source material to a consumer, the material being encoded steganographically to convey plural-bit auxiliary data; decoding the audio source material that is presented to the consumer to decode the auxiliary data therefrom" in combination with the other aspects of claim 8.

In particular, Knowles does not teach audio source material being steganographically encoded to convey plural bit auxiliary data, nor does it teach decoding such audio source material. Knowles encoding of a URL in a barcode is not steganographic because the bar code symbols are readily visible. In addition, Knowles bar code does not relate to encoding data in audio source material.

Quackenbush does not anticipate claims 26 and 28-29

Quackenbush was filed November 16, 1998 and claims priority to December 3, 1997. The Office rejected claims 26 and 28-29 as being anticipated by the '260 patent, and priority to the '260 patent is now claimed. Therefore, Quackenbush is not prior art to these claims.

Claims 1, 6-7, 11-12 and 14 are not obvious in view of Knowles and Overton.

Knowles does not appear to be prior art to the claims. In addition, Overton is not prior art to these claims because its earliest claimed priority date is in 1998. Therefore, Overton cannot be combined with Knowles or other references to make an obviousness rejection of these claims.

Claims 1, 6-7, 11-12 and 14 have priority at least as early as May 16, 1996, the filing date of priority patent 5,862,260. The Examiner previously cited the '260 patent as anticipating claims 1, 6-7, 11-12 and 14. Therefore, these claims have priority at least as early as the filing date of the '260 patent.

Regarding claim 1, Knowles does not teach: "encoding digital source material to steganographically convey plural-bit auxiliary data" in combination with the other claim elements of claim 1. Again, a bar code is not steganographic as claimed. Therefore, claim 1 and its dependent claims 6-7 are patentable over Knowles.

Regarding claim 11, Knowles does not teach: "receiving an object steganographically encoded with plural-bit auxiliary data; decoding the plural-bit auxiliary data from the object" in combination with the other elements of claim 11. Therefore, claim 11 and its dependent claims 12 and 14 are patentable over Knowles.

Overton does not teach the cited elements relating to steganographically encoded data, decoding such data, or using such data as claimed. Therefore, the combined teachings of the references fail to teach all of the elements of claims 1, 6-7, 11-12 and 14.

Claims 2-5 are not obvious in view of Knowles, Overton and Smith. Claims 2-5 have priority at least as early as May 16, 1996, the filing date of priority patent 5,862,260. The Examiner previously cited the '260 patent as anticipating claims 2-5. Therefore, these claims have priority to a date at least as early as the filing date of the '260 patent.

Smith has a filing date of October 30, 1997. Therefore, both Smith and Overton cannot be combined with Knowles or other references to make an obviousness rejection of these claims.

Claims 2-5 are patentable over Knowles for the same reasons as claim 1.

Claim 5 is also patentable over the combination of Knowles, Overton, Smith and Wiser.

Wiser claims priority to November 7, 1997. It is not prior art to the claim 5. Thus, Overton, Smith and Wiser cannot be combined with Knowles or other references to make an obviousness rejection of claim 5.

Claim 13 is patentable over Knowles, Overton and Wiser.

Wiser is not prior art to claim 13 either. Thus, Overton and Wiser cannot be combined with Knowles or other references to make an obviousness rejection of claim 13.

Claim 27 is patentable over Knowles and Quackenbush. As noted previously, Quackenbush is not prior art, and therefore, is not combinable with Knowles or other references to make an obviousness rejection of claim 27.

Withdrawn claims 15-25 and 30-89 have now been cancelled. Cancellation of these claims causes deletion of inventors Scott Carr and Bruce Davis, whose invention is no longer being claimed. A separate correction of inventorship is filed herewith.

New claim 90 is a variant of claim 11, but different in some respects. It also has priority of at least as early as May 16, 1996. See, for example, U.S. Patent No. 5,862,260 at col. 90, line 62 to col. 91, line 12, for an example of support for this claim. This claim includes a novel combination of elements not taught in the cited prior art.

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